

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Order Instituting Rulemaking on the
Commission's Own Motion to Establish
Consumer Rights and Consumer Protection Rules
Applicable to All Telecommunications Utilities.

Rulemaking 00-02-004
(Filed February 3, 2000)

**ADMINISTRATIVE LAW JUDGE'S RULING
GRANTING MOTION TO FILE MATERIAL UNDER SEAL**

On November 9, 2004, Cricket Communications, Inc. (Cricket) filed under seal its *Motion of Cricket Communications, Inc. (U-3076-C) for Waiver of Certain Provisions of General Order 168 and Approval of Alternate Compliance Mechanisms*, accompanied by its *Motion of Cricket Communications, Inc. (U-3076-C) for Leave to File Unredacted Waiver Motion under Seal; Unredacted Version Attached*, in this proceeding. Cricket served a redacted version on the parties. This ruling grants Cricket's motion to file under seal.

Cricket describes the material it wishes to protect as "detailed information regarding its estimated costs for strict compliance with the [General Order 168] rule provisions at issue and distribution costs as well as demographic information and usage data for its customer base." According to Cricket, disclosure of the cost and customer data it has redacted would provide to competitors valuable information about Cricket's business operations and costs, and that would cause substantial harm to Cricket while doing little to serve the public interest.

An inspection of the redacted material confirms that it consists solely of customer usage and demographic data and Cricket's costs, and that Cricket has made the minimum possible redaction to protect that information.

Under the Commission's General Order 66-C, records or information of a confidential nature furnished to or obtained by the Commission may be protected from public inspection, including information requested or required by the Commission which, if revealed, would place the regulated company at an unfair business disadvantage. (General Order 66-C, § 2.2(b).) The redacted material appears to be information of that nature. Public disclosure is unnecessary in this instance because the non-confidential content of Cricket's underlying motion for waiver is sufficient for interested parties in the proceeding to evaluate the basis and merits of that motion.

I conclude that access to Cricket's unredacted motion for waiver should be limited to the Commission and its staff. Consistent with the Commission's usual practice, the material Cricket has filed under seal will remain under seal for two years, after which it may be made public unless Cricket seeks to extend its protection as described below.

IT IS RULED that:

1. The *Motion of Cricket Communications, Inc. (U-3076-C) for Leave to File Unredacted Waiver Motion under Seal; Unredacted Version Attached*, filed November 9, 2004 is granted as set forth below.
2. The unredacted version of the *Motion of Cricket Communications, Inc. (U-3076-C) for Waiver of Certain Provisions of General Order 168 and Approval of Alternate Compliance Mechanisms* described in the body of this ruling shall remain under seal for a period of two years from the date of this ruling. During that period, it shall not be made accessible or disclosed to anyone other than the

Commission and its staff except on the further order or ruling of the Commission, the Assigned Commissioner, the assigned Administrative Law Judge (ALJ), or the ALJ then designated as Law and Motion Judge.

3. If Cricket Communications, Inc. believes that protection of the material in Ruling Paragraph 2 is needed after two years, it may file a motion stating the justification for further withholding it from public inspection, or for such other relief as the Commission's rules may then provide. Any such motion shall be filed no later than 30 days before protection expires under this ruling.

Dated November 29, 2004, at San Francisco, California.

/s/ JAMES C. McVICAR

James C. McVicar
Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail, and by electronic mail to the parties to which an electronic mail address has been provided, this day served a true copy of the original attached Administrative Law Judge's Ruling Granting Motion to File Material Under Seal on all parties of record in this proceeding or their attorneys of record.

Dated November 29, 2004, at San Francisco, California.

/s/ KE HUANG

Ke Huang

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to ensure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.